

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Tequan L. Brown,

Plaintiff,

v.

Scott Lewis; J. Scott; Florence Mauney; and F.
Ogunsile,

Defendants.

C/A No. 0:16-2703-TMC-PJG

ORDER

Plaintiff Tequan L. Brown, a self-represented state inmate, filed this action pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights. This matter is before the court on the plaintiff's motion to voluntarily dismiss his claims against Defendants Scott, Mauney, and Ogunsile (ECF No. 72), which he filed in response to the defendants' motion for summary judgment (ECF No. 68). The defendants filed a response in which they consented to a dismissal of this action. (ECF No. 74.)

Federal Rule of Civil Procedure 41(a)(2) provides that "[e]xcept as provided in Rule 41(a)(1), an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Generally, a plaintiff's motion for voluntary dismissal without prejudice under Rule 41(a)(2) should not be denied absent plain legal prejudice to the defendant. See Andes v. Versant Corp., 788 F.2d 1033, 1036 (4th Cir. 1986); Ohlander v. Larson, 114 F.3d 1531, 1537 (10th Cir. 1997). Therefore, having carefully considered the parties' submissions and the applicable law, it is hereby

ORDERED that Brown's motion (ECF No. 72) is granted and the entire case is dismissed without prejudice. Any other pending motions (ECF No. 68) are hereby terminated as moot.

IT IS SO ORDERED.



Paige J. Gossett

UNITED STATES MAGISTRATE JUDGE

November 2, 2017
Columbia, South Carolina